

2015 No. 1768

CIVIL AVIATION

The Air Navigation (Amendment) Order 2015

Made - - - - *8th October 2015*

Laid before Parliament *15th October 2015*

Coming into force - - *15th November 2015*

At the Court at Buckingham Palace, the 8th day of October 2015

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 60(1) and (2)(b) and 61(1)(a) of the Civil Aviation Act 1982(a) and section 2(2) of the European Communities Act 1972(b).

Her Majesty, by and with the advice of Her Privy Council, orders as follows:

Citation, commencement and extent

1. This Order may be cited as the Air Navigation (Amendment) Order 2015 and comes into force on 15th November 2015.

Amendment of the Air Navigation Order 2009

2. The Air Navigation Order 2009(c) is amended as follows.

Mandatory reporting of occurrences

3. Omit article 226.

Mandatory reporting of birdstrikes

4. Omit article 227.

(a) 1982 c.16; section 61 was amended by section 2 of the Aviation (Offences) Act 2003 (c.19). There are other amendments but none is relevant.
(b) 1972 c. 68; section 2 was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and section 3(3) of, and the Schedule to, the European Union (Amendment) Act 2008 (c.7). There are other amendments but none is relevant.
(c) S.I. 2009/3015, as amended by S.I. 2012/1751 and S.I. 2014/3302; there are other amendments but none is relevant.

Competent authority

- 5. In paragraph (2) of article 246 (competent authority)—
 - (a) after subparagraph (e) omit “and”; and
 - (b) at the end of subparagraph (f) insert—
 - “; and
 - (g) the Occurrence Reporting Regulation”.

Functions to be exercised by the CAA

6. After article 246B (functions under the EASA Aircrew Regulation to be exercised by the CAA) add—

“Functions under the Occurrence Reporting Regulation to be exercised by the CAA

246C. The functions conferred on the United Kingdom by Articles 3(2), 4(3), 5(2), 5(6), 5(7), 6(3), 7(3), 8(2), 9, 13(6), 13(7), 13(8), 13(10), 13(11), 13(12), 15(1), 15(2), and 16(3) of the Occurrence Reporting Regulation are to be exercised by the CAA.”.

Change to contents of an aerodrome manual

7. In paragraph 7 of Schedule 12 (information and instructions which must be included in an aerodrome manual) omit “for complying with article 226 and”.

Interpretation

8. In article 255 (interpretation), for “Occurrence Reporting Directive” and its definition substitute—

““Occurrence Reporting Regulation” means Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3rd April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007(a);”.

Penalties

9.—(1) In Section 1 of Part B of Schedule 13 (penalties) omit “227” in the first column and the entry corresponding to it in the second column.

(2) In Part C of Schedule 13 (penalties)—

- (a) in Section 1 omit “226(5) to (8)” in the first column and the entry corresponding to it in the second column; and
- (b) after Section 7 add—

“SECTION 8

<i>Provision of Occurrence Reporting Regulation</i>	<i>Subject Matter</i>
4	Requirement to report occurrences”.

(a) O.J. No. L 122, 24.4.2014, p. 18.

Rules of the air

10. For article 160(3)(c) (rules of the air) substitute—

“(c) for complying with MAA01: Military Aviation Authority Regulatory Policy (Issue 4, published on 17th December 2014 and updated on 1st April 2015) and Regulatory Articles 2000 Series Flying Regulations (published on 11th November 2014 and updated on 21st April 2015) issued by the Secretary of State^(a).”.

Military aircraft

11. In article 252(3) (application of the Order to military aircraft), for “Military Flying Regulations (Joint Service Publication 550) or Flying Orders to Contractors (Aviation Publication 67)” substitute “MAA01: Military Aviation Authority Regulatory Policy (Issue 4, published on 17th December 2014 and updated on 1st April 2015) and Regulatory Articles 2000 Series Flying Regulations (published on 11th November 2014 and updated on 21st April 2015)”.

Richard Tilbrook
Clerk of the Privy Council

(a) MAA01: Military Aviation Authority Regulatory Policy (Issue 4) and Regulatory Articles 2000 Series Flying Regulations are published by the Military Aviation Authority on behalf of the Secretary of State and are available at <https://www.gov.uk/government/collections/maa-regulatory-publications>.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Air Navigation Order 2009 (“the 2009 Order”).

This Order amends the 2009 Order to reflect the coming into force in the United Kingdom of Commission Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3rd April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007^(a) (“the Occurrence Reporting Regulation”).

The Occurrence Reporting Regulation makes provision for the reporting, collection, storage, protection, exchange, dissemination and analysis of relevant safety information relating to civil aviation.

This Order amends the 2009 Order to omit provisions in it which apply to such information, as the same provision is made by virtue of the Occurrence Reporting Regulation.

This Order amends the 2009 Order to the effect that a breach of specified provisions of the Occurrence Reporting Regulation is an offence.

This Order also amends articles 160(3)(c) and 252(3) of the 2009 Order so as to update the references to Military Flying Regulations and Flying Orders to Contractors by replacing them with references to MAA01: Military Aviation Authority Regulatory Policy and Regulatory Articles 2000 Series Flying Regulations.

An impact assessment has not been prepared for this Order as no significant impact on individuals or businesses is foreseen. An Explanatory Memorandum is published alongside this Order at www.legislation.gov.uk.

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^(a) O.J. No. L 112, 24.4.2014, p. 18.

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